

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELEANOR J. KERRIGAN and)	C.A. No.:04CV12133 RCL
SEAN J. KERRIGAN,)	
a minor child, by his parent and next best)	
friend, Eleanor J. Kerrigan)	
)	
Plaintiff,)	
)	
v.)	
)	
JOHN W. CURRAN,)	
DIEBOLD, INC. and CRAWFORD)	
& COMPANY)	
)	
Defendants.)	

STIPULATION OF THE PARTIES

Now come the parties in the above captioned case who respectfully stipulate to the following:

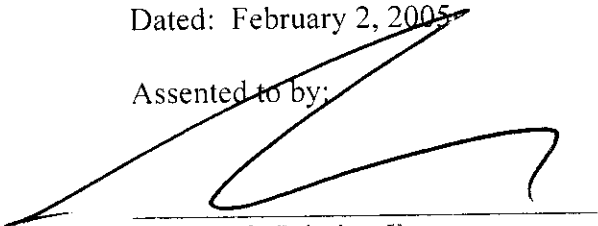
- 1) With respect to Defendant Diebold, Inc.'s *Motion to Dismiss Count IV of the Plaintiff's Complaint, or in the Alternative, to Sever and Stay Count IV of the Plaintiff's Complaint*, filed on January 19, 2005, the parties assent to Diebold's Motion with respect to its request to Sever and Stay Count IV of the Plaintiff's Complaint. The parties further agree that, upon the allowance of that portion of the Motion seeking to sever and stay, the Court need not rule at this time on that portion of the Motion that seeks a dismissal of Count IV of the Plaintiffs' Complaint. It is further agreed by the parties that Diebold may in the future, without any prejudice, renew its Motion to Dismiss Count IV of

the Plaintiffs' Complaint, or file a new and separate motion seeking the dismissal of Count IV, as the circumstances may warrant.

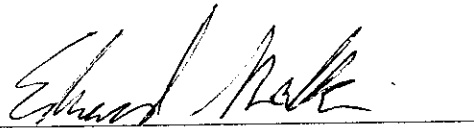
- 2) All parties assent to Defendant Crawford and Company's *Motion to Sever and Stay* filed on December 6, 2004.

Dated: February 2, 2005

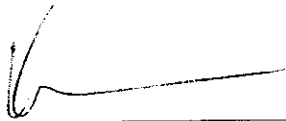
Assented to by:



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